

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF MAINE**

**DURWOOD L. CURRIER,**

**PLAINTIFF**

**V.**

**UNITED TECHNOLOGIES  
CORPORATION,**

**DEFENDANT**

**CIVIL No. 02-107-P-H**

**ORDER AFFIRMING RECOMMENDED DECISION OF THE MAGISTRATE JUDGE  
AND ORDER DENYING DEFENDANT'S MOTION FOR RECONSIDERATION**

The United States Magistrate Judge filed with the Court on March 12, 2003, with copies to counsel, her Recommended Decision on Defendant's Motion for Summary Judgment and Order on Defendant's Motion to Strike, and Order on Defendant's Motion to Preclude Plaintiff from Presenting Expert Evidence. Both plaintiff and defendant filed objections to the Recommended Decision on March 24 and March 31, 2003, respectively. Defendant filed its objection and a motion for reconsideration of the Magistrate Judge's Order denying the Defendant's Motion to Preclude Plaintiff from Presenting Expert Evidence on March 31, 2003.

I have reviewed and considered the Recommended Decision and the Order denying the Defendant's Motion to Preclude Plaintiff from Presenting Expert Evidence together with the entire record; I have made a *de novo* determination of all matters adjudicated by the Recommended Decision and the Order; and I concur with the recommendations of the United States Magistrate Judge for the reasons

set forth in her Recommended Decision and Order, and determine that no further proceeding is necessary.

It is therefore **ORDERED** that the Recommended Decision of the Magistrate Judge is hereby **ADOPTED**. The defendant's motion for summary judgment is **GRANTED IN PART** and **DENIED IN PART** as follows: Summary judgment is **GRANTED** as to Counts III and IV of the Complaint, and **DENIED** as to Counts I and II of the Complaint.

The defendant's motion for reconsideration of the Order denying the Defendant's Motion to Preclude Plaintiff from Presenting Expert Evidence is **DENIED**.

**So ORDERED.**

**DATED: APRIL 30, 2003**

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**D. BROCK HORNBY**  
**UNITED STATES DISTRICT JUDGE**